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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,166	08/16/2004	Joseph J. Berke	1521C-002	9537

7590 12/29/2005

EXAMINER
PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
3751	

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DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,166	BERKE ET AL.	
	Examiner	Art Unit	
	Charles E. Phillips	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,12,14-17 and 26-28* is/are pending in the application.

4a) Of the above claim(s) *6* is/are withdrawn from consideration.

5)☒ Claim(s) *28* is/are allowed.

6)☒ Claim(s) *1,2,4-6,12,14-17 and 26-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al in view of Hardy.

The former teach a dispensing system connected to a sink faucet as seen in Fig. 1. The term "laundry tub" defines no structure not shown by Fletcher et al. The hose and dispenser are seen at 20 and 10, connected as claimed here. The dispenser is seen mounted via bracket 15, which is positioned above the sink on wall 14. In this regard it would have been obvious to the ordinary artisan to position the dispenser in any location deemed convenient or necessary. Lacking in fletcher et al is the use of a liquid soap. The later teaches a dispenser device employing a liquid soap in container 40 and a normally closed rotatable control 90 which provides full response to lines 8-10 of claim 16.The former provides full response to lines 11-13 of claim 16. As both teach household water supply environments, it would have been obvious to provide Fletcher et al with the dispenser of Hardy.

Claims 1, 2, 4,12, 14, 15, 17 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al in view of Hardy as set forth in the rejection of claim 16 above, and further in view of Davison.

Hardy with control 90 and valve structure of Fig. 6 teaches the particulars of a removable container of line 10 of claim 1 and the valve of lines 12-23. The manual

rotation of claim 1 and valve operation of claim 17 are seen in Fig. 5, see col. 8, lines 3-6, with the biasing spring seen at 66. Davison teaches a housing as seen at 24 and it is axiomatic that some portion thereof i.e. a cover must be removable in order to replace the containers,and the claim 1 line 11 cap is seen in Fig. 1 at one end of the container 28. To provide the combination with a refilling means such as this cap would have been obvious to the ordinary artisan. Re; claim 26, Davison, at col. 3, lines 59-62, teaches the expedient of container level observation through a housing having stored containers. To provide for the supply container to be of a nature of Hardy with the cap and sight expedient and housing of Davison would have been obvious to the ordinary artisan as same are shown to be know in the same art environment. Re: claim 28, Hardy and Davison teach plural containers. Re: claim 2, the latter two teach venturi action with Hardy meeting claim 4. Davison teaches the plural containers of claims 14-15. The term "remote" as employed in these claims is not defined in the instant disclosure and is deemed to mean nothing more than not on the tub as any other meaning would render an inoperable device by one person because the control must be held, as it is biased close, and the spray head must be held over the sink. Therefore if the location of the device is remote beyond two arms length one person could not operate the device.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim1 above, and further in view of Greenhut et al.

To employ the well-known expedient of a needle valve such as taught here at 112 would have constituted an obvious expedient to the ordinary artisan.

Claim 28 is allowed as the valve control arrangement for plural containers is not taught by the prior art.

Claim 6 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/18/05.

Any inquiry concerning this communication should be directed to Charles Phillips at telephone number (571) 272-4893.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Phillips/PJ

Charles E. Phillips
Primary Examiner